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EXAMINER
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ART UNIT	PAPER NUMBER
2426	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

		Application No.	Applicant(s)
Office Action Summary		10/512,052	MARUYAMA ET AL.
		Examiner	Art Unit	
		BRETT RUSTEMEYER	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _June 23rd, 2008 (Applicant's Response)._

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-23 and 25-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-23 and 25-36_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _21 October 2004_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Art Unit Change

1.   The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2426.

Response to Amendment

2.   This Office action is in reply to Applicant's amendment and response dated June 23rd, 2008, hereinafter "Applicant's Response". In response to objection(s) and/or rejection(s) made in a previous Office action issued by the Examiner, dated March 21st, 2008 hereinafter "Examiner's Action", applicant has amended claims 1-6, 8-16, 18-23, 25-30, 32, and 35, cancelled claim 24, and added new claim 36. Further the Applicant has provided arguments and remarks respectfully requesting the withdrawal of the Examiner's: objections to claims 13 and 35, 35 U.S.C. § 112 – Second Paragraph rejection of claims 3-6 and 10, the Examiner's 35 U.S.C. § 102(e) rejection of claims 1-4, 7-14, 16-24, 26, 29-31, and 33-35, and the Examiner's 35 U.S.C. § 103(a) rejections of claims 5, 6, 15, 25, 27-28 and 32 in light of the amendments. Claims 1-23 and 25-36 are pending.

Response to Arguments

3.   Applicant's amendment to claims 13 and 35, documented in Applicant's Response, pertaining to the Examiner's objection(s) has been considered, and is considered fully persuasive. The objections pertaining to claims 13 and 15 are herein removed.

4.   Applicant's amendment to claim 3-6 and 10 documented in Applicant's Response, with respect to Examiner's claim rejection under 35 U.S.C. § 112 – Second Paragraph has been considered, and is considered fully persuasive.   The 35 U.S.C. § 112 – Second Paragraph rejections pertaining to claims 3-6 and 10 are herein removed.

5.   Applicant's arguments documented in Applicant's Response with respect the Examiner's rejections under 35 U.S.C. § 102(e) have been fully considered but are moot in view of the new grounds of rejection(s).

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7.   Claims 3-6, 10, 35 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

        a.   Claims 3 and 36 recites the limitation "the information", but does not clarify which information element(s) the Applicant is referring to.   For example, "the information" could be interpreted as one or more of the following types: "specifying a content providing station", "specifying a content providing device", and/or "specifying an associated content".

    b.   Claim 4 recites the limitation "these sets of information", but does not clarify which information elements the Applicant is referring to. For example, "these sets of information" could be interpreted as one or more of the following types: "specifying a content providing station" and "specifying a content providing device", or "specifying a content providing station" and "specifying an associated content", or "specifying a content providing device" and "specifying an associated content".

    c.   Since claims 5 and 6 are dependent upon claim 4, they are rejected accordingly.

    d.   Claim 10 recites the limitation "the content providing stations targeted for selection" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim.

    e.   Claim 35 recites the limitation "each of the content providing station", which is doesn't clearly specify whether the Applicant was referring to "each of the content providing stations" or "the selected content providing station".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

> The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: *(See MPEP Ch. 2141)*

       a. Determining the scope and contents of the prior art;
       b. Ascertaining the differences between the prior art and the claims in issue;
       c. Resolving the level of ordinary skill in the pertinent art; and
       d. Evaluating evidence of secondary considerations for indicating obviousness or
          nonobviousness.

9.   Claims 1-14, 16-23, 25, 26, and 29-36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over United States Patent Application Number, "2003/0105763 A1", invented by

Chatfield et al., hereinafter "Chatfield" in view of United States Patent Application Number,

"2002/0156552 A1", invented by Whiting, hereinafter "Whiting".

Regarding claim 1, Chatfield teaches of a content selection method for selecting a content from

among a plurality of contents or content providing devices, in which a content selection

requesting station selects from among a plurality of content providing stations having the

contents or content providing devices (*Chatfield*, [0022], [0026]), comprising:

     the content selection requesting station storing a selection rule for selecting from among

the content providing stations {*Chatfield*, [0028], [0029] and [0032]. Since the end user submits

his/her preferred service provider from a workstation to a web server (*Chatfield*, [0034]), the

selection is inherently stored and/or buffered by the workstation for retrieval, processing, and

transmission over the network};

     transmitting a content switching instruction to the content selection requesting station in

accordance with operation of the operator (e.g., request for service) - (*Chatfield*, [0026], [0032],

[0033], and [0060]); and

the content selection requesting station, which has received the content switching instruction, transmitting the content switching instruction to a content providing station (e.g., particular service provider) - (*Chatfield*, See "YES" at step 409 of FIG. 4B, [0033], [0046]).

While Chatfield teaches that a user may request various video services including cable television and video-on-demand service (*Chatfield*, [0023]), Chatfield is silent to disclose that *the content providing station switches the content or content providing device to be selected, every time the same operation of the operator is performed.* However, in related art, Whiting discloses of a media delivery system for providing users with requested media files (*Whiting*, [0031], [0032]). In this system, a user connected to the Internet may submit a request for an audiovisual media file by selecting a link via their web browser (*Whiting*, [0032]). The requested audiovisual media file may be a "live" media file that is substantially simultaneously being created, encoded and fed to the media server (*Whiting*, [0033]). Lastly, the requested media file is delivered from the media server over the Internet to the user (*Whiting*, [0033]). Thus, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the technique of offering the user the ability to request a live media file as described by Whiting, to improve the number of available video services for selection in Chatfield, for the predictable result of providing an end user the ability to view a live event from the comfort of their home.

Thus, the combined teaching of Chatfield and Whiting, as a whole, disclose the following limitation:

the content providing station switches the content (*Whiting*, [0033]) or content providing device to be selected, every time the same operation of the operator is performed (e.g., request for service) - (*Chatfield*, [0026], [0032], [0033], and [0060]).

Regarding claim 2, the method as set forth in claim 1, further comprising:

sending back (i.e., providing) the content held by the content providing station, from the content providing station that has received the content switching instruction, to the content selection requesting station (*Chatfield*, [0033]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claims 3 and 36, (with the best understanding based upon the 112 rejection(s) stated above) the method as set forth in claim 1, further comprising:

the content selection requesting station (*Chatfield*, See workstation [0026] further described in [0057]) storing information for specifying a content providing station (*Chatfield*, See "service provider name" in [0032], [0034]), an associated content (*Chatfield*, e.g., "particular service name" in [0032], [0034]), and an associated content providing device (*Chatfield*, e.g., "IPsec", which renders the use of a destination IP address in the header [0033], or virtual path identifier - See "ATM mode" in [0033], for establishing a connection between the end-user and the preferred service provider [0046]) that have been most recently selected by the content selection requesting station {Since the end user accesses a provider's offered services by selecting his/her preferred services via a workstation coupled to a web server (*Chatfield*, [0033],

[0034]), the end user's workstation inherently stores and/or buffers such information for processing, display, and transmission}; and

the content selection requesting station resuming, in accordance with the information (e.g., preferred service provider information), connection with the content providing station and the associated content providing devices having the associated content that have been most recently selected by the content selection requesting station (*Chatfield*, [0033], [0040], [0046]) if the content requesting station has previously received the associated content from the associated content providing device of the content providing station and the connection has been stopped (e.g., closed the web browser) - (*Chatfield*, [0032], [0034], [0040]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 4, (with the best understanding based upon the 112 rejection(s) stated above) the method as set forth in claim 1, further comprising:

the content selection requesting station storing information for specifying a content providing station that has been most recently selected by the content selection requesting station (Please refer to the remarks and citations cited by the Examiner in response to claim 3);

the content providing station storing information for specifying an associated content or content providing device that has been most recently selected by the content selection requesting station (*Chatfield*, [0032] - Since the service provider receives the end user's selection through a communication session and provides said user with their selected service(s) over the network, their selection information is inherently stored or buffered for retrieval, processing, and transmission.); and

resuming, in accordance with these sets of information, connection between the content selection requesting station and the content providing station that has been most recently selected by the content selection requesting station, if the content selection requesting station has previously received the associated content from the content providing station and the connection has been stopped, or if the content selection requesting station has previously received a content from the content providing device of the content providing station and the connection has been stopped (Please refer to the remarks and citations cited by the Examiner in response to claim 3) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claims 5 and 6, (with the best understanding based upon the 112 rejection(s) stated above) the combined teaching of Chatfield and Whiting, as a whole, teaches that a service provider stores the selection request(s) of end users received via an network, but are silent to mention how long the data is stored (Please refer to the reasons and citations made by the Examiner in response to claim 4). However, Official Notice is taken that both the concept and advantage of deleting an inactive user's account comprising their transaction history was notoriously well known and expected in the art, at the time of the invention, and therefore would have been obvious to incorporate in the combined teaching of Chatfield and Whiting for the benefit of maintaining the records of valuable customers.

Regarding claim 7, the method as set forth in claim 2, wherein:

the content providing station transmits, to the content selection requesting station, information regarding a content that is to send back (i.e., provided) to the content selection

requesting station (*Chatfield*, [0033]) is disclosed by the combined teaching of Chatfield and

Whiting, as a whole.

Regarding claim 8, the method as set forth in claim 2, wherein:

the content providing station transmits, to the content selection requesting station,

information regarding a content or content providing device that is available to be selected next

by the content selection requesting station (*Chatfield*, See FIG. 6 in conjunction with [0054], in

which a Video Provider One is a "Preferred Service Provider" and offers (1) Broadcast Video,

(2) Local Voice, (3) International Voice, and (4) Internet Access to end users 103-106. In this

embodiment, said end user may select to receive service (1) first and access service (2) next in

accord with [0032] and [0033]) is disclosed by the combined teaching of Chatfield and Whiting,

as a whole.

Regarding claim 9, the method as set forth in claim 2, wherein:

the content providing station transmits, to the content selection requesting station,

information regarding a content or content providing device that is available to be selected by the

content selection requesting station (*Chatfield*, [0033]) is disclosed by the combined teaching of

Chatfield and Whiting, as a whole.

Regarding claim 10, (with the best understanding based upon the 112 rejection(s) stated above)

the method as set forth in claim 1, wherein:

the selection rule regarding the content providing stations, which is stored in the content selection requesting station, is to reselect a content providing station that has been selected first, after selection of the content providing stations targeted for selection is performed more than once in accordance with the selection rule (*Chatfield*, See [0043] and [0046] with respect to [0028], [0029], [0032], and [0034] as presented in response to claim 1.) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 11, the method as set forth in claim 1, wherein:

if there still remains a content or content providing device to select, the thus selected one of the content providing stations selecting, in accordance with a predetermined content selection rule, a content or content providing device to select next, and the thus selected one of the content providing stations transmitting what is contained in the content or content providing device to select next, to the content selection requesting station (*Chatfield*, [0032], [0033], in which the content provider is one described by the Examiner in response to claim 8); and

if there remains no content or content providing device that is to select, the thus selected one of the content providing stations transmitting information that there remains no content or content providing device to select (*Chatfield*, [0040], [0047]-[0050] with reference to FIG. 4C) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 12, the method as set forth in claim 1, wherein:

when receiving the information that there remains no content or content providing device to select, the content selection requesting station changes a content providing station connected

to the content selection requesting station, in accordance with the selection rule for selecting from among the content providing stations (*Chatfield*, [0040], [0047]-[0050] with reference to FIG. 4C) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 13, the method as set forth in claim 1, further comprising:

the content selection requesting station confirming

(i) a communication state regarding communication between the content selection requesting station and the thus selected one of the content providing stations (*Chatfield*, See [0046] and additionally or alternatively see [0050]), and

(ii) a response state regarding responding from the thus selected one of the content providing stations (*Chatfield*, [0046]); and

if the communication state is less than a desired level, the content selecting requesting station selecting a different content providing station to select next in accordance with the selection rule for selecting from among the content providing stations (*Chatfield*, [0046] and [0047]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 14, the method as set forth in claim 2, wherein:

the content providing station confirming

(i) a communication state regarding communication between the content providing station and a content that is to send back (*Chatfield*, See [0046] and additionally or alternatively see [0050]), and

(ii) a response state regarding responding with respect to the content that is to send back (*Chatfield*, [0046]); and

if the communication state is less than a level, the content providing station sending back a content that is to be selected next in accordance with a predetermined content selection rule (Even though a communication state between a service provider and an end user may be less than a level, it may still support a session. Thus, please refer to the remarks and citations made by the Examiner in response to claim 8) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 16, the method as set forth in claim 2, wherein:

in a state where a content that the content providing station is about to send back is in use, the content providing station sending back a content that is to be selected next to the content that the content providing station is about to send, in accordance with a predetermined content selection rule (Please refer to the citations and reasons stated by the Examiner in response to claim 8) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 17, the method as set forth in claim 16, wherein:

the state where the content is in use is a state where the content is being used by another content selection requesting station, or a state where a user on the content providing station side is using the content without using the content selection requesting station (*Chatfield*, in [0023] and [0024] - Service providers inherently provide Internet access, cable television, digital voice,

etc. to a plurality of customers simultaneously) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 18, the method as set forth in claim 1, further comprising:

the content selection requesting station confirming

(i) a communication state regarding communication between the content selection requesting station and the thus selected one of the content providing stations (*Chatfield*, See [0046] and additionally or alternatively see [0050]), and

(ii) a response state regarding responding from the thus selected one of the content providing stations (*Chatfield*, [0046]); and

if the communication state is less than a level, the content selection requesting station providing, to the operator, information that the communication state is less than the level (*Chatfield*, [0050]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 19, the method as set forth in claim 1, further comprising:

the content providing station confirming

(i) a communication state regarding communication between the content providing station and the content providing device thus selected (*Chatfield*, See [0046], [0050] and [0068]), and

(ii) a response state regarding responding with respect to the content providing device thus selected (*Chatfield*, [0046]);

if the communication state is less than a desired level, the content providing station

transmitting, to the content selection requesting station, information that the communication state

is less than the level (*Chatfield*, [0050]);

the content selection requesting station receiving the information (*Chatfield*, [0050]); and

the content selection requesting station providing, to the operator, information that the

communication state between the content providing station and the content providing device thus

selected is less than the level (e.g., service provider unable to provide service from the service

provider's equipment) - (*Chatfield*, [0050], [0068]) is disclosed by the combined teaching of

Chatfield and Whiting, as a whole.

Regarding claim 20, the method as set forth in claim 13, wherein:

the state where the communication state is less than the level is a state where

communication is possible but one of electric wave strength, the response state, and a

communication error ratio is less than the desired level (*Chatfield*, [0050]) is disclosed by the

combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 21, the method as set forth in claim 13, wherein:

the state where the communication state is less than the level is

(i) a state where a station at the other end is not turned on,

(ii) a state where no response is received because the station at the other end becomes too

distant, or

(iii) a state where the thus selected one of the content providing stations is physically disconnected from the content providing device (*Chatfield*, [0050] and [0068]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 22, the method as set forth in claim 18, wherein:

in providing, to the operator, information that the communication state between the content selection requesting station and the selected one of the content providing stations is less than the level, when the communication level is as such, the content selection requesting station distinctly informing the operator whether the communication state is

(A) a communication state where communication is possible but one of electric wave strength, the response state, and a communication error ratio is less than the desired level (*Chatfield*, [0050]), or

(B) a communication state where (i) a station at the other end is not turned on, (ii) no response is received because the station at the other end becomes too distant, or (iii) the content providing device is physically disconnected (*Chatfield*, [0050] and [0068]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 23, the method as set forth in claim 19, wherein:

in providing, to the operator, information that the communication state between the content selection requesting station and the content providing device thus selected is less than the desired level (e.g., service provider unable to provide service from the service provider's

equipment), when the communication level is as such, the content selection requesting station

distinctly informing the operator whether the communication state is

(A) a communication state where communication is possible but one of electric wave

strength, the response state, and a communication error ratio is less than the desired level

(*Chatfield*, [0050]), or

(B) a communication state where (i) a station at the other end is not turned on, (ii) no

response is received because the station at the other end becomes too distant, or the content

providing device is physically disconnected (*Chatfield*, [0050], [0068]) is disclosed by the

combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 26, the method as set forth in claim 1, wherein:

the selection rule is stored only in the content selection requesting station (*Chatfield*,

[0034], [0057]; wherein the data center is and end user's workstation are "a single computer

system"); and

the content or content providing device is held (i.e. restrained from access) only by the

content providing station (*Chatfield*, [0050]) is disclosed by the combined teaching of Chatfield

and Whiting, as a whole.

Regarding claim 29, a content selection requesting station which selects a desired content or

content providing device from among contents or content providing devices that a plurality of

content providing stations have (*Chatfield*, [0032]), wherein:

the content selection requesting station transmits a content switching instruction to the content providing station according to the method as set forth in claim 1 (*Chatfield*, [0023] with [0033]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 30, a content providing station which, when selected by a content selection requesting station, transmits, to the content selection requesting station, what is contained in the content or content providing device that the content providing station has (*Chatfield*, [0033]), wherein:

the content providing station receives a content switching instruction from the content selection requesting station according to the method as set forth in claim 1 (*Chatfield*, [0033]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 31, a content switching instruction device for use in the method as set forth in claim 1, which transmits, to a content selection requesting station, a content switching instruction given by an operator (Please refer to the Examiner's citations and remarks stated in response to claim 1) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 33, a program for causing a computer to implement the method as set forth in claim 1 (*Chatfield*, See [0060]-[0064] with respect to citations and reasons stated by the Examiner in response to claim 1) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 34, a computer-readable recording medium storing a program for causing a computer to implement the method as set forth in claim 1 (*Chatfield*, See [0065]-[0066] with respect to citations and remarks stated by the Examiner in response to claim 1) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 35, (with the best understanding based upon the 112 rejection(s) stated above) a network system having content selection requesting station, and a plurality of content providing stations wherein the method as set forth in claim 1 is performed (*Chatfield*, See end-users and service providers in [0022] with respect to citations and reasons stated by the Examiner in response to claim 1),

the content selection requesting station selecting a desired content from among contents that the content providing stations have {(*Chatfield*, [0023], [0033])-(*Whiting*, [0033])},

the content selection requesting station transmitting a content switching instruction to each of the content providing stations (e.g., in the event the end user has request service from each of the service providers as a function of time) according to a method as set forth in claim 1 (*Chatfield*, [0026], [0032], [0033], and [0060]),

each of the content providing stations (e.g., in the event the end user has request service from each of the service providers as a function of time), when selected by a content requesting station, transmitting to the content selection requesting station, what is contained in content that the content providing station has (*Chatfield*, [0032], [0033]),

each of the content providing stations receiving the content switching instruction from the content selection requesting station according to the method as set forth in claim 1 (*Chatfield*,

See "YES" at step 409 of FIG. 4B, [0033], [0046]) is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 32, the content switching instruction device as set forth in claim 31,

wherein the content switching instruction device transmitting the content switching instruction given by the operator (*Chatfield*, [0026], [0032], [0033], and [0060]). Chatfield is silent to mention that the switching instruction is transmitted without using the content selection requesting station. However, Official Notice is taken that both the concept and advantage of transmitting signals to a workstation over a local area network (LAN) was notoriously well known and expected in the art, at the time of the invention, and therefore would have been obvious to incorporate in the combined teaching of Chatfield and Whiting, as a whole, for the benefit of providing end users the spatial flexibility to transmit signals from other computing devices on a network as desired by Chatfield in [0068] is disclosed by the combined teaching of Chatfield and Whiting, as a whole.

Regarding claim 25, the method as set forth in claim 1, wherein:

the content selection requesting station includes means which controls switching of the external connection device for the display device on which the content received by the content selection requesting station is to be displayed (Please refer to Examiner's remarks and citations as stated in response to claim 32);

if the content selection requesting station is selected as an external connection device for a display device when the content selection requesting station receives the content selection

switching instruction entered by the operator, the content selection requesting station performs

content selection or content providing device selection (*Chatfield*, [0032], [0033]); and

if all contents or content providing devices are selected once, or if a station other than the

content selection requesting station is selected as the external connection device for the display

device, the switching of the external connection device is carried out (Please refer to Examiner's

remarks and citations as stated in response to claim 32) is disclosed by the combined teaching of

Chatfield and Whiting, as a whole.

10.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chatfield in view

of Whiting further in view of United States Patent Application Number, "US 2005/0114445 A1",

invented by Tracton et al., hereinafter "Tracton".

Regarding claim 15,

The combined teaching of Chatfield and Whiting, as a whole, are silent on the method as

set forth in claim 2,wherein: in the case where bandwidth available for communication between

the content selection requesting station and the content providing station is narrower than

bandwidth necessary for transmitting a content that the content providing station is about to send

back, the content providing station transmitting a content that is to be selected next to the content

that the content providing station is about to send back, in accordance with the a predetermined

content selection rule.

However, in related art, Tracton discloses a system and method for dynamic content

customization in a client server environment. In this system, a client transmits to a server its

characteristic profile indicating its available computing resources and network bandwidth [0025].

Tracton further teaches that content received over the web may be formatted and scaled to

correspond to typical incoming client characteristics through the use of a scaler during a

communication session ([0025], [0032], [0044]). It would have been obvious for one skilled in

the art, at the time of the invention, to use the system and method for dynamic customization of

content based upon a client's processing abilities and network bandwidth taught by Tracton in a

service provider's head end disclosed by the combined teaching of Chatfield and Whiting, as a

whole. Using the known technique of automatically scaling web content according to a client's

processing abilities and network bandwidth said video or data for fulfilling a content selection

request from a processing or bandwidth limited end user would have been obvious to one of

ordinary skill.

11.   Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatfield in

view of Whiting further in view of United States Patent Number, "6,269,394 B1", invented by

Kenner et al., hereinafter "Kenner".

Regarding claim 27, a content selection method in which in accordance with a request from a

content selection requesting station, a content providing station selects a content that the content

from among a plurality of contents that the providing station have {(*Chatfield*, [0023], [0032],

[0033])-(*Whiting*, [0033])} and sends back the selected content to the content requesting station

(*Chatfield*, [0033]), the method comprising:

the content providing station storing a control signal (e.g. channel change request from a user) for the content that the content providing station has (*Chatfield*, [0033]-As further described by the Examiner in response to claim 4); and

the content providing station receiving a content switching instruction from the content selection requesting station in accordance with operation of the operator (*Chatfield*, See "YES" at step 409 of FIG. 4B, [0033], [0046]); and

wherein, the content providing station switches the content to be sent back, every time the same operation of the operator is performed (Please refer to the Examiner's remarks and citations in response to claim 1).

The combined teaching of Chatfield and Whiting, as a whole, is silent to disclose: *if the content to be sent back is not available for viewing, the content providing station transmitting the control signal to the content so as to cause the content to be available for viewing.*

However, in related art, Kenner discloses a system and method for delivery of video and data over a computer network. Kenner teaches that a user terminal send's a user's request for video or data to the Primary Index Manager (PIM) via a Search and Retrieval Unit (SRU) (*Kenner*, [Col. 8, L55-L67]). The PIM determines whether the user has access to a copy of the requested video or data locally and further determines a local copy is the current version (*Kenner*, [Col. 25, L44 to Col. 26, L16]). If the requested video or data is locally unavailable, unavailable from the PIM, or the incorrect version, the PIM sends a control signal to other Index Managers (IM) to locate and make said video or data available for download to the user (*Kenner*, [Col. 25, L44 to Col. 26, L16]). It would have been obvious for one skilled in the art, at the time of the invention, to use the system and method for retrieving the current version of said video or

data taught by Kenner in a service provider's head end taught by Chatfield. Using the known

technique of locating, retrieving and updating said video or data for fulfilling an end user's

content selection request would have been obvious to one of ordinary skill.

Regarding claim 28, the combined teaching of Chatfield, Whiting, and Kenner, as a whole,

discloses the respective limitations from claim 27, in addition to:

> when the content to be sent is changed from a first content (i.e. "incorrect version") to a

second content (i.e., "current version"), the content providing station transmitting a control signal

to the first content so as to cause the first content to be not in use (*Kenner*, [Col. 25, L44 to Col.

26, L16]).

Conclusion

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

> A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett Rustemeyer whose telephone number is (571) 270-1849. The examiner can normally be reached on Mon. - Thurs. 6:30 a.m.-5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BR/

Examiner - Art Unit 2426

October 9th, 2008

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2426